



March 20, 2018

(b) (6)  
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Dear (b) (6) [Redacted]

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request (GSA-2018-000760), dated February 13, 2018, in which you requested:

“copies of the proposals submitted in response to solicitation FBIRFPEXchangePartnerPh2, the solicitation the GSA cancelled in July 217 seeking exchange partners in connection with a new FBI headquarters to be built in Greenbelt, Landover or Springfield, as well as any additional written, emailed or telephonic communications between the bidders and the GSA regarding their proposals.”

GSA is withholding the requested proposals in their entirety along with any corresponding communications for the FBIRFPEXchangePartnerPh2 solicitation under FOIA Exemption 3, 5 U.S.C. § 552(b)(3). Exemption 3 exempts from release any information protected from disclosure by another federal statute. Here, the subject proposals are not releasable pursuant to 5 41 U.S.C. 423(a), which prohibits disclosure of contractor bid or proposal information or source selection information unless they have been set forth or incorporated by reference in a final contract.

In addition to those proposals by bidders, any and all related written, emailed or telephonic communications between the bidders and the GSA regarding their proposals are considered “confidential and proprietary” and therefore is withheld under the fifth exemption under FOIA, 5 U.S.C. § 552(b)(5). Exemption 5 permits an agency to withhold records which could reflect the agency’s pre-decisional, deliberative process including those in which recommendations are made or opinions are expressed. Release of this information would compromise the integrity of the GSA’s internal decision making process by inhibiting the free flow of candid analyses and opinions.

In reference to “the solicitation the GSA cancelled in July 2017 seeking exchange partners in connection with a new FBI headquarters to be built in Greenbelt, Landover or Springfield”, this is a public record, which was posted on FedBizOpps. Provided below is the web link to access this information:

<https://www.fbo.gov/?s=opportunity&mode=form&id=e4215bcd9daa29b8c2b71281420ef7b0&tab=core& cview=1>

As we have withheld the proposals in their entirety, this technically constitutes a partial denial of your FOIA request. You have the right to appeal the denial of the information being withheld. As such, you may administratively submit an appeal online at the following link (<https://foiaonline.regulations.gov/foia/action/public/home>) or in writing to the following address:

U.S. General Services Administration  
FOIA Requester Service Center (H1F)  
1800 F Street, NW, Room 7308  
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 120 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, "Freedom of Information Act Appeal."

This completes our action on this request. Should you have any questions, please contact me at 202-219-3078 or by email at [travis.lewis@gsa.gov](mailto:travis.lewis@gsa.gov). If you need additional assistance, you may also contact Ms. Audrey Brooks, GSA's FOIA Public Liaison at (202) 205-5912 or via email at [audrey.brooks@gsa.gov](mailto:audrey.brooks@gsa.gov).

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*Travis Lewis*

Director  
Office of Freedom of Information Act and Records Management  
Office of Administrative Services